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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,979	05/08/2001	Michael Tolson	507-000210US	4938

25555 7590 08/23/2004

JACKSON WALKER LLP
2435 NORTH CENTRAL EXPRESSWAY
SUITE 600
RICHARDSON, TX 75080

EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,979

Applicant(s)

TOLSON, MICHAEL

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-22-01, 2-27-02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to a communication made on May 8, 2001.

The Information Disclosure Statements were received on August 22, 2001 and February 27, 2002.

The Declaration was received on September 10, 2001

The Power of Attorney was received on January 15, 2004 and August 2, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoyle (6141010).

Regarding claim 1, Hoyle discloses a method of providing interactive targeted advertising (Column 5, lines 44 – 54) comprising: providing an interactive graphic object carrying an advertising message (Column 5, lines 50 – 53); providing a component at said interactive graphic object able to track and measure user attention to said interactive graphic object (Column 7, lines 10 – 12); transmitting measurements of said user attention to a server (Column 7, lines 41 – 43); and at said server, determining

a charge to an advertiser based on a measurement of user attention (Column 2, lines 54 – 60).

Regarding claim 2, Hoyle discloses that said user attention comprises user interaction with active graphical elements on said object (Column 11, lines 53 – 55).

Regarding claim 3, Hoyle discloses that said user attention comprises moving said object to a desktop (Column 11, lines 9 – 16).

Regarding claim 4, Hoyle discloses that said object on a desktop remains in communication with a server and may receive data from said server for updating an advertising message (Column 11, lines 63 – 67).

Regarding claim 5, Hoyle discloses that said object on a desktop provides a desired functionality to a user (Column 9, lines 30 – 35).

Regarding claim 6, Hoyle discloses a business method of providing interactive connections to business clients (Column 7, lines 33 – 44) comprising: providing a persistent interactive graphic object indicating a business contact (Column 5, lines 46 – 50); providing functions associated with said graphic object desirable to a user (Column 5, lines 55 – 60); and allowing a business contact to transmit information to said persistent interactive graphic objects from time to time (Column 7, lines 41 – 44).

Regarding claim 7, Hoyle discloses that said functions associated with said object include electronic messaging with said business contact (Column 8, lines 10 – 12).

Regarding claim 8, Hoyle discloses that said object can be relocated to a desktop (Column 11, lines 9 – 16).

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Regarding claim 9, Hoyle discloses that said object on a desktop remains in communication with a server and may receive data from said server for updating messages, services, or links associated with said object (Column 11, lines 63 – 67).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5948061 issued to Merriman, because it discloses sending graphic advertisement objects to a client and tracking user interaction with the object.

U. S. Patent No. 6119198 issued to Guyot, because it discloses a targeting advertisement object with additional functionality and user interaction tracking.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
August 19, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER